

US EPA ARCHIVE DOCUMENT

May 28, 2013

*Via eMail and U.S. Mail*



Chief, Enforcement and Compliance Assurance Branch  
Water Division (WCC-15J)  
U.S. EPA, Region V  
77 West Jackson Blvd.  
Chicago, Illinois 60604

U.S. Department of Justice  
Chief, Environmental Enforcement Section  
Environment and Natural Resources Division  
Post Office Box 7611  
Washington, D.C. 20044-7611

Ohio EPA Southwest District Office  
Attn: DSW Enforcement Group Leader  
401 East Fifth Street  
Dayton, Ohio 45402-2911

Chief, Environmental Enforcement Section  
Ohio Attorney General's Office  
30 E. Broad Street, 25th Floor  
Columbus, Ohio 43215-3428

Executive Director  
ORSANCO  
5735 Kellogg Avenue  
Cincinnati, OH 45228

**RE: Re-submission of Modified Revised Original LMCPR Proposal**

Dear Ladies and Gentlemen:

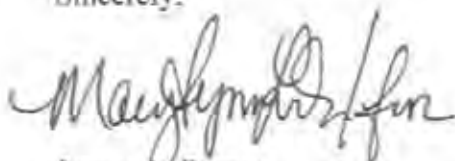
The Metropolitan Sewer District of Greater Cincinnati ("MSD"), on behalf of the Defendants City of Cincinnati and Hamilton County Board of Commissioners, hereby re-submits the enclosed modified proposal for a Revised Original Lower Mill Creek Partial Remedy to U.S. EPA, Ohio EPA, and ORSANCO (collectively, the "Regulators"). This modified proposal includes modifications to the Revised Attachments 1A and 1B submitted in the December 20, 2012 proposal, and adds a Revised Attachment 1C. The Revised Attachment 1B herein includes corrections of minor typographical errors.

The Defendants and Regulators have engaged in discussions regarding the impact of the Revised Original LMCPR and the LMC Study on Attachment 2 of the WWIP,

and modifications to Revised Attachment 2 as submitted in the December 20, 2012 proposal. The Parties have agreed to continue those discussions on the Defendants' Revised Attachment 2 submittal and that Defendants will submit a modified Revised Attachment 2 to the Regulators for approval under the Final WWIP. While a number of matters in the pending modified Revised Attachment 2 submittal are not yet resolved, the Parties have agreed that revisions to Lines 452 and 453 and new Notes 7, 8 and 9 in Attachment 2 as set forth in Exhibit 1 attached to this letter should be approved now. The Exhibit 1 text, including Notes, is intended to replace lines 452 through 471 of the current Attachment 2.

Defendants hereby request that the Regulators act now under the Final WWIP to approve the Revised Original LMCPH reflected in Revised Attachments 1A, 1B and 1C and the text of Exhibit 1. Defendants appreciate the Regulators' ongoing engagement regarding these very important projects under the Final WWIP.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. Parrott", with a stylized flourish at the end.

James A. Parrott  
Executive Director

Cc: Board of County Commissioners, without enclosure  
City Manager, City of Cincinnati, without enclosure  
Marilyn Wall, Sierra Club, with enclosure

**REVISED ATTACHMENT 1A**  
**Phase 1 Milestone Schedule**

PROJECT ID	PROJECT	PTI Submittal Milestone	Start Construction Milestone	End Construction Milestone
10130740	Werk & Westbourne	12/31/2013	12/31/2014	12/31/2017
10143960	Westwood Northern (Bundle)	6/30/2015	6/30/2016	6/30/2017
10142240	Blue Rock	12/31/2013	12/31/2014	12/31/2015
10171840	Lower Little Miami (Bundle)	12/31/2012	12/31/2013	12/31/2015
10120360	Pebble Creek WWTP			6/30/2009
10120420	Diamond Oaks		12/31/2009	12/31/2010
10120460	Towers East	12/31/2011	12/31/2012	12/31/2013
10130560	Muddy Secondary			6/30/2010
10130565	Muddy Pump Upgrade			6/30/2010
10130680	Harwinton			12/31/2010
10131220	Glenview	12/31/2013	12/31/2014	12/31/2015
10144441	1852 Columbia		12/31/2011	12/31/2012
10141440	Millbrook 1			6/30/2009
10141520	Arrowood			6/30/2009
10141540	Winton 1			12/31/2010
10141560	Winton 2			12/31/2010
10142020	Daly Road	12/31/2014	12/31/2015	12/31/2016
10142440	7601 Production			6/30/2009
10144880	Mill Grit		12/31/2010	6/30/2013
10144884	Mill Secondary	12/31/2009	12/31/2010	12/31/2014
10145180	Mill Diversion			12/31/2009
10145280	Mitchell RTC			11/1/2009
10145300	Badgely RTC			11/1/2009
10145320	Lick RTC			5/31/2010
10150012	Polk Phase 3B			6/30/2009
10160005	Sycamore 3			12/31/2010
10160010	Sycamore 4			12/31/2010
10170081	Montgomery		12/31/2011	12/31/2012
10170560	Woodruff			6/30/2009
10170780	LM WWTP Thickening			6/30/2010
10171900	Eastern Delta (Bundle)		12/31/2013	12/31/2015
10172090	Kenwood			6/30/2009
10180600	Mill Incinerator			12/31/2010
10145580	Mill Creek WWTP (Bundle)	12/31/2014	12/31/2015	12/31/2016
10131180	Muddy Creek WWTP (Bundle)	12/31/2013	12/31/2014	12/31/2015
10143220	North Side Upper (Bundle)	12/31/2016	12/31/2017	12/31/2018
10171620	Upper Duck All (Bundle)	12/31/2016	12/31/2017	12/31/2018
10145660	Revised LMCPR (Bundle)	12/31/2016	12/31/2017	12/31/2018

"Bundle" means the aggregated group of final WWIP projects. The milestone date listed above for each action for each bundle is the final date by which all of the projects within a distinct bundle must meet the specified project status.



REVISED WWTP ATTACHMENT 1B - MAY 2013									
LINE#	PROJECT	PROPOSED COMPLETION DATE	EST. COST (\$000,000)	EST. COST (\$000,000)	EST. COST (\$000,000)	EST. COST (\$000,000)	EST. COST (\$000,000)	EST. COST (\$000,000)	EST. COST (\$000,000)
1	10141640	Mar-04	\$ 1,317,501						
2	10141640	Mar-04	\$ 1,317,501						
3	10141640	Mar-04	\$ 1,317,501						
4	10141640	Mar-04	\$ 1,317,501						
5	10141640	Mar-04	\$ 1,317,501						
6	10141640	Mar-04	\$ 1,317,501						
7	10141640	Mar-04	\$ 1,317,501						
8	10141640	Mar-04	\$ 1,317,501						
9	10141640	Mar-04	\$ 1,317,501						
10	10141640	Mar-04	\$ 1,317,501						
11	10141640	Mar-04	\$ 1,317,501						
12	10141640	Mar-04	\$ 1,317,501						
13	10141640	Mar-04	\$ 1,317,501						
14	10141640	Mar-04	\$ 1,317,501						
15	10141640	Mar-04	\$ 1,317,501						
16	10141640	Mar-04	\$ 1,317,501						
17	10141640	Mar-04	\$ 1,317,501						
18	10141640	Mar-04	\$ 1,317,501						
19	10141640	Mar-04	\$ 1,317,501						
20	10141640	Mar-04	\$ 1,317,501						
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22	10141640	Mar-04	\$ 1,317,501						
23	10141640	Mar-04	\$ 1,317,501						
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28	10141640	Mar-04	\$ 1,317,501						
29	10141640	Mar-04	\$ 1,317,501						
30	10141640	Mar-04	\$ 1,317,501						
31	10141640	Mar-04	\$ 1,317,501						
32	10141640	Mar-04	\$ 1,317,501						
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41	10141640	Mar-04	\$ 1,317,501						
42	10141640	Mar-04	\$ 1,317,501						
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69	10141640	Mar-04	\$ 1,317,501						
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79	10141640	Mar-04	\$ 1,317,501						
80	10141640	Mar-04	\$ 1,317,501						
81	10141640	Mar-04	\$ 1,317,501						
82	10141640	Mar-04	\$ 1,317,501						
83	10141640	Mar-04	\$ 1,317,501						
84	10141640	Mar-04	\$ 1,317,501						
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93	10141640	Mar-04	\$ 1,317,501						
94	10141640	Mar-04	\$ 1,317,501						
95	10141640	Mar-04	\$ 1,317,501						
96	10141640	Mar-04	\$ 1,317,501						
97	10141640	Mar-04	\$ 1,317,501						
98	10141640	Mar-04	\$ 1,317,501						
99	10141640	Mar-04	\$ 1,317,501						
100	10141640	Mar-04	\$ 1,317,501						

[illegible]



REVISED WWTP ATTACHMENT 1B - MAY 2013									
Project/Construction Cause	Land Area (Acres)	Remediating Cause (Gallons/Day)	Cost (\$)	Completion Date	Notes				
101-101-001	101.00	101.00	101.00	101.00	101.00				
101-101-002	101.00	101.00	101.00	101.00	101.00				
101-101-003	101.00	101.00	101.00	101.00	101.00				
101-101-004	101.00	101.00	101.00	101.00	101.00				
101-101-005	101.00	101.00	101.00	101.00	101.00				
101-101-006	101.00	101.00	101.00	101.00	101.00				
101-101-007	101.00	101.00	101.00	101.00	101.00				
101-101-008	101.00	101.00	101.00	101.00	101.00				
101-101-009	101.00	101.00	101.00	101.00	101.00				
101-101-010	101.00	101.00	101.00	101.00	101.00				
101-101-011	101.00	101.00	101.00	101.00	101.00				
101-101-012	101.00	101.00	101.00	101.00	101.00				
101-101-013	101.00	101.00	101.00	101.00	101.00				
101-101-014	101.00	101.00	101.00	101.00	101.00				
101-101-015	101.00	101.00	101.00	101.00	101.00				
101-101-016	101.00	101.00	101.00	101.00	101.00				
101-101-017	101.00	101.00	101.00	101.00	101.00				
101-101-018	101.00	101.00	101.00	101.00	101.00				
101-101-019	101.00	101.00	101.00	101.00	101.00				
101-101-020	101.00	101.00	101.00	101.00	101.00				
101-101-021	101.00	101.00	101.00	101.00	101.00				
101-101-022	101.00	101.00	101.00	101.00	101.00				
101-101-023	101.00	101.00	101.00	101.00	101.00				
101-101-024	101.00	101.00	101.00	101.00	101.00				
101-101-025	101.00	101.00	101.00	101.00	101.00				
101-101-026	101.00	101.00	101.00	101.00	101.00				
101-101-027	101.00	101.00	101.00	101.00	101.00				
101-101-028	101.00	101.00	101.00	101.00	101.00				
101-101-029	101.00	101.00	101.00	101.00	101.00				
101-101-030	101.00	101.00	101.00	101.00	101.00				
101-101-031	101.00	101.00	101.00	101.00	101.00				
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101-101-033	101.00	101.00	101.00	101.00	101.00				
101-101-034	101.00	101.00	101.00	101.00	101.00				
101-101-035	101.00	101.00	101.00	101.00	101.00				
101-101-036	101.00	101.00	101.00	101.00	101.00				
101-101-037	101.00	101.00	101.00	101.00	101.00				
101-101-038	101.00	101.00	101.00	101.00	101.00				
101-101-039	101.00	101.00	101.00	101.00	101.00				
101-101-040	101.00	101.00	101.00	101.00	101.00				
101-101-041	101.00	101.00	101.00	101.00	101.00				
101-101-042	101.00	101.00	101.00	101.00	101.00				
101-101-043	101.00	101.00	101.00	101.00	101.00				
101-101-044	101.00	101.00	101.00	101.00	101.00				
101-101-045	101.00	101.00	101.00	101.00	101.00				
101-101-046	101.00	101.00	101.00	101.00	101.00				
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101-101-048	101.00	101.00	101.00	101.00	101.00				
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101-101-051	101.00	101.00	101.00	101.00	101.00				
101-101-052	101.00	101.00	101.00	101.00	101.00				
101-101-053	101.00	101.00	101.00	101.00	101.00				
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101-101-056	101.00	101.00	101.00	101.00	101.00				
101-101-057	101.00	101.00	101.00	101.00	101.00				
101-101-058	101.00	101.00	101.00	101.00	101.00				
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101-101-061	101.00	101.00	101.00	101.00	101.00				
101-101-062	101.00	101.00	101.00	101.00	101.00				
101-101-063	101.00	101.00	101.00	101.00	101.00				
101-101-064	101.00	101.00	101.00	101.00	101.00				
101-101-065	101.00	101.00	101.00	101.00	101.00				
101-101-066	101.00	101.00	101.00	101.00	101.00				
101-101-067	101.00	101.00	101.00	101.00	101.00				
101-101-068	101.00	101.00	101.00	101.00	101.00				
101-101-069	101.00	101.00	101.00	101.00	101.00				
101-101-070	101.00	101.00	101.00	101.00	101.00				
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101-101-073	101.00	101.00	101.00	101.00	101.00				
101-101-074	101.00	101.00	101.00	101.00	101.00				
101-101-075	101.00	101.00	101.00	101.00	101.00				
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101-101-077	101.00	101.00	101.00	101.00	101.00				
101-101-078	101.00	101.00	101.00	101.00	101.00				
101-101-079	101.00	101.00	101.00	101.00	101.00				
101-101-080	101.00	101.00	101.00	101.00	101.00				
101-101-081	101.00	101.00	101.00	101.00	101.00				
101-101-082	101.00	101.00	101.00	101.00	101.00				
101-101-083	101.00	101.00	101.00	101.00	101.00				
101-101-084	101.00	101.00	101.00	101.00	101.00				
101-101-085	101.00	101.00	101.00	101.00	101.00				
101-101-086	101.00	101.00	101.00	101.00	101.00				
101-101-087	101.00	101.00	101.00	101.00	101.00				
101-101-088	101.00	101.00	101.00	101.00	101.00				
101-101-089	101.00	101.00	101.00	101.00	101.00				
101-101-090	101.00	101.00	101.00	101.00	101.00				
101-101-091	101.00	101.00	101.00	101.00	101.00				
101-101-092	101.00	101.00	101.00	101.00	101.00				
101-101-093	101.00	101.00	101.00	101.00	101.00				
101-101-094	101.00	101.00	101.00	101.00	101.00				
101-101-095	101.00	101.00	101.00	101.00	101.00				
101-101-096	101.00	101.00	101.00	101.00	101.00				
101-101-097	101.00	101.00	101.00	101.00	101.00				
101-101-098	101.00	101.00	101.00	101.00	101.00				
101-101-099	101.00	101.00	101.00	101.00	101.00				
101-101-100	101.00	101.00	101.00	101.00	101.00				
101-101-101	101.00	101.00	101.00	101.00	101.00				
101-101-102	101.00	101.00	101.00	101.00	101.00				
101-101-103	101.00	101.00	101.00	101.00	101.00				
101-101-104	101.00	101.00	101.00	101.00	101.00				
101-101-105	101.00	101.00	101.00	101.00	101.00				
101-101-106	101.00	101.00	101.00	101.00	101.00				
101-101-107	101.00	101.00	101.00	101.00	101.00				
101-101-108	101.00	101.00	101.00	101.00	101.00				
101-101-109	101.00	101.00	101.00	101.00	101.00				
101-101-110	101.00	101.00	101.00	101.00	101.00				
101-101-111	101.00	101.00	101.00	101.00	101.00				
101-101-112	101.00	101.00	101.00	101.00	101.00				
101-101-113	101.00	101.00	101.00	101.00	101.00				
101-101-114	101.00	101.00	101.00	101.00	101.00				
101-101-115	101.00	101.00	101.00	101.00	101.00				
101-101-116	101.00	101.00	101.00	101.00	101.00				
101-101-117	101.00	101.00	101.00	101.00	101.00				
101-101-118	101.00	101.00	101.00	101.00	101.00				
101-101-119	101.00	101.00	101.00	101.00	101.00				
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101-101-121	101.00	101.00	101.00	101.00	101.00				
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101-101-123	101.00	101.00	101.00	101.00	101.00				
101-101-124	101.00	101.00	101.00	101.00	101.00				
101-101-125	101.00	101.00	101.00	101.00	101.00				
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101-101-127	101.00	101.00	101.00	101.00	101.00				
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101-101-133	101.00	101.00	101.00	101.00	101.00				
101-101-134	101.00	101.00	101.00	101.00	101.00				
101-101-135	101.00	101.00	101.00	101.00	101.00				
101-101-136	101.00	101.00	101.00	101.00	101.00				
101-101-137	101.00	101.00	101.00	101.00	101.00				
101-101-138	101.00	101.00	101.00	101.00	101.00				
101-101-139	101.00	101.00	101.00	101.00	101.00				
101-101-140	101.00	101.00	101.00	101.00	101.00				
101-101-141	101.00	101.00	101.00	101.00	101.00				
101-101-142	101.00	101.00	101.00	101.00	101.00				
101-101-143	101.00	101.00	101.00	101.00	101.00				
101-101-144	101.00	101.00	101.00	101.00	101.00				
101-101-145	101.00	101.00	101.00	101.00	101.00				
101-101-146	101.00	101.00	101.00	101.00	101.00				
101-101-147	101.00	101.00	101.00	101.00	101.00				
101-101-148	101.00	101.00	101.00	101.00	101.00				
101-101-149	101.00	101.00	101.00	101.00	101.00				
101-101-150	101.00	101.00	101.00	101.00	101.00				
101-101-151	101.00	101.00	101.00	101.00	101.00				
101-101-152	101.00	101.00	101.00	101.00	101.00				
101-101-153	101.00	101.00	101.00	101.00	101.00				
101-101-154	101.00	101.00	101.00	101.00	101.00				
101-101-155	101.00	101.00	101.00	101.00	101.00				
101-101-156	101.00	101.00	101.00	101.00	101.00				
101-101-157	101.00	101.00	101.00	101.00	101.00				
101-101-158	101.00	101.00	101.00	101.00	101.00				
101-101-159	101.00	101.00	101.00	101.00	101.00				
101-101-160	101.00	101.00	101.00	101.00	101.00				
101-101-161	101.00	101.00	101.00	101.00	101.00				
101-101-162	101.00	101.00	101.00	101.00	101.00				
101-101-163	101.00	101.00	101.00	101.00	101.00				
101-101-164	101.00	101.00	101.00	101.00	101.0				

[illegible]





Revised Attachment 1C (May 2013)  
Revised Original LMCPR

The Revised Original Lower Mill Creek Partial Remedy will be a series of measures implemented during Phase I of the WWIP to significantly reduce the volume of combined sewer overflow discharges in the Lower Mill Creek basin. This Revised Attachment 1C (2013) replaces and supersedes Attachment 1C from the Final WWIP (2009) in its entirety; Attachment 1C from the Final WWIP (2009) is now null and void. The key elements of the Revised Original LMCPR are as follows:

**Lick Run Strategic Sewer Separation and Valley Conveyance (CSO 5)\***

- 54,300 feet of storm sewer
- 3,600 feet of relocated combined sewer
- 8 stormwater detention basins/floodplain enhancements; approximately 22 acre feet of storage
- 4 Vortech Units
- 8,700 feet of valley conveyance system with approximately 5,600 linear feet of naturalized above-ground stormwater conveyance system
- 9,900 feet of natural conveyance, inlet sealing and stream restoration

Estimated reduction from implementation of these measures: 0.624 BG

**Kings Run Separation and Wooden Shoe Storage\***

- 8,400 feet of storm sewer
- 3,300 feet of relocated combined sewer
- 4,600 feet of sanitary sewer
- 1.5 million gallons combined storage at CSO 217
- 4 stormwater detention basins; approximately 21 acre feet of storage
- Stream bank stabilization and restoration measures

Estimated reduction from implementation of these measures: 0.156 BG

**West Fork Separation and Detention\***

- 500 feet of storm sewer
- 7,600 feet of basin discharge pipe
- 2 stormwater detention basins; approximately 23 acre feet of storage

Estimated reduction from implementation of these measures: 0.173 BG

**Bloody Run Real Time Control (RTC)\***

- Bloody Run (CSO 181) watershed RTC

Estimated reduction from implementation of these measures: 0.093 BG

**Existing RTCs\***

- RTCs at CSOs 5, 482, 485, 125 and raising of the West Fork channel grates (already constructed)

Estimated reduction from implementation of these measures: 0.737 BG

The Performance Criterion for the Revised Original LMCPR is that these measures will reduce CSO volume by at least 1.78 billion gallons during MSDGC's Typical Rainfall Year (1970), which annual gallorage reduction amount was derived using SWMM baseline Model Version 3.2. Compliance with this Performance Criterion will be evaluated by implementation of a post construction monitoring program (which will be submitted to the regulatory agencies for review and approval in accordance with the Global Consent Decree) that will utilize MSDGC's hydrologic and hydraulic model to normalize the results of the post construction monitoring to the typical year.

\* Individual project statistics and descriptions listed above (for example 'length of feet of sewer,' and 'estimated reduction from implementation') are estimated values, subject to ongoing detailed design, and do not constitute performance criteria or design criteria.

Exhibit 1

New Line 452	Mill Creek "Lower 11 CSO" Phase 2 CSO controls			CSOs 2, 3, 4, 5, 6, 7, 9, 666, 152, 428, and 429 ("Lower 11 CSOs"),	Storage, conveyance, strategic separation, green infrastructure, using MSD's Integrated Watershed Planning approaches at the listed CSOs or in the LMC basin	See Note 7,		85% capture or control (aggregate) <sup>9</sup>
New Line 453	Phase 2 Default (Lower Mill Creek Final Remedy)		\$305,658,000	CSOs 33, 10, 11, 12, 13, 14, 15, 22, 23, 24, 482, 28, 29, 30, 025A, Este, 18, 21, 017B	Default tunnel/conveyance	See Note 8		85% capture or control (aggregate) <sup>9</sup>

Notes 1-6...

7 Defendants may propose work at additional CSOs in the LMC basin in accordance with the provisions of the WWIP.

8 The default final remedy for the Lower Mill Creek Final Remedy ("LMCFR") is a tunnel(s)/conveyance, to be designed with reference to the final LMCPR and to meet the applicable performance criteria. The performance criteria for these CSOs were expressed as "plan remaining CSO" volumes, based on modeling performed at the time of the development of the WWIP. The updated performance



## Exhibit I

criterion is expressed as 85% capture or control, acknowledging updated modeling information. Given the knowledge gained by Defendants of the Lower Mill Creek basin over the period 2009–2012, and the projects included in the Revised Original LMCPR, the Defendants propose and the Regulators understand that construction of the CSO tunnel is likely not the cost-effective alternative for the LMCFR. The WWIP envisioned that an alternative other than the LMCFR tunnel could be appropriate for the LMCFR and allows Defendants to propose a different LMCFR pursuant to the WWIP. The Defendants have expressed intent to timely submit an approvable proposal for a revised LMCFR that reflects Defendants' Integrated Watershed Planning approach for the aggregated CSO flows in the Lower Mill Creek basin. The Regulators understand this intent and if a proposal is submitted that is consistent with the provisions of the WWIP, the Regulators anticipate approving it.

9 "Percent capture or control" refers to the difference of inflow volume minus overflow volume, divided by inflow volume, multiplied by 100  $(((\text{inflow} - \text{overflow}) / \text{inflow}) \times 100)$ , as predicted in a typical year using the most current model applicable to the watershed upon achievement of full operation. For the purpose of computing "percent capture or control," inflow volumes are those predicted by MSDGC's most current model (1) using MSDGC's typical year rainfall (1970); and (2) based on pre-control conditions, derived in a manner consistent with how baseline conditions were defined in MSDGC's June 2006 "Wet Weather Improvement Program; Volume II, CSO Long Term Control Plan Update Report," Section 4.7 on page 4-14. For the purpose of computing "percent capture or control" overflow volumes are those predicted by the most current MSDGC system-wide model for the typical year rainfall (1970) for post-control conditions. Compliance with these criteria will be evaluated by implementation of a Post Construction Monitoring Program (which will be submitted to the Regulatory Agencies for review and approval in accordance with the Global Consent Decree) that will utilize MSDGC's hydrologic and hydraulic model to normalize the results of the Post Construction Monitoring to the typical year.